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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 4:23-cr-00213-YGR
Plaintiff,	)	
v.	)	<b>STIPULATION AND [PROPOSED] ORDER RE:</b>
	)	<b>RESTITUTION</b>
NAKIE NUNLEY,	)	Sentencing Hearing: March 27, 2024
Defendant.	)	The Honorable Yvonne Gonzalez Rogers

The United States and defendant NAKIE NUNLEY ("Defendant"), by and through their counsel of record, hereby stipulate as follows:

1. On September 5, 2023, Defendant pleaded guilty to four counts of sexual abuse of a ward, in violation of 18 U.S.C. § 2243(b); five counts of abusive sexual contact, in violation of 18 U.S.C. § 2244(a)(4); and one count of false statements to a government agency, in violation of 18 U.S.C. § 1001(a)(2).

2. At the sentencing hearing on March 27, 2024, the Court ordered Defendant to serve 72 months in custody, plus 10 years of supervised release, and deferred the determination of restitution. The Court set a restitution hearing date of May 30, 2024 for the final determination of restitution.

1           3.       Restitution is mandatory to victims of sexual abuse pursuant to 18 U.S.C. §§ 2248  
2 (sexual abuse offenses §§ 2241-2245). Specifically, the law provides that a court “shall order . . .  
3 restitution” and that this restitution order “shall order restitution to each victim” through the appropriate  
4 court mechanism “in the full amount of the victim’s losses as determined by the court and without  
5 consideration of the economic circumstances of the defendant.” 18 U.S.C. § 2248(b)(3).

6           4.       To conserve judicial resources, to bring about a speedy resolution of this matter, and to  
7 avoid further litigation, the parties agree and jointly request that the Court, upon approval of this  
8 Stipulation, may enter an Amended Judgment to order restitution to the individuals and/or entities in the  
9 amounts as set forth below:

10           a.       \$6,453.86 in total to the individual identified as Y.Y. in the Information (Dkt. 1).  
11 The parties stipulate that the above individual qualifies as a “victim” under the statutes cited in  
12 paragraph 3, *supra*, and, pursuant to the terms of the Plea Agreement in this case, is otherwise entitled to  
13 restitution under 18 U.S.C. § 3663A(a)(3). The United States shall furnish the Clerk’s Office with  
14 physical address information for Y.Y.

15           5.       The parties agree that the full amount of special assessment, fine, and restitution is due  
16 immediately in accordance with 18 U.S.C. § 3572(d) and in accordance with the parties’ plea agreement.

17           6.       The parties further agree to the following payment schedule:

18           a.       Defendant shall pay restitution in monthly payments of not less than \$100 or at least 10%  
19 of earnings, whichever is greater, to commence no later than 60 days from placement on  
20 supervised release.

21           7.       Notwithstanding any payment schedule set by the court, the United States Attorney’s  
22 Office may pursue collection through all available means in accordance with 18 U.S.C. §§ 3613 and  
23 3664(m). The restitution payments shall be made to the Clerk of U.S. District Court, Attention: Finance  
24 Unit, 450 Golden Gate Ave., Box 36060, San Francisco, CA 94102.

25           8.       The parties request that the Court issue an Amended Judgment ordering restitution  
26 payable to the individuals and/or entities identified and the terms outlined above.

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1 SO STIPULATED.  
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3 DATED: April 26, 2024

4 ISMAIL J. RAMSEY  
United States Attorney

5 /s/ Andrew Paulson

6 ANDREW PAULSON  
7 MOLLY K. PRIEDEMAN  
Assistant United States Attorney

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9 DATED: April 26, 2024

10 /s/ Tim Allen Pori

11 TIM ALLEN PORI  
Attorney for Defendant NAKIE NUNLEY  
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**[PROPOSED] ORDER**

NAKIE NUNLEY will pay a total of \$6,453.86 in restitution, in the amounts specified to the individuals and/or entities specified as follows:

a. \$6,453.86 in total to the individual identified as Y.Y. in the Information (Dkt. 1).

The above individual qualifies as a victim pursuant to 18 U.S.C. § 2248 (sexual abuse offenses §§ 2241-2245) or is otherwise entitled to restitution under 18 U.S.C. § 3663A(a)(3).

The full amount of special assessment, fine, and restitution is due immediately. Defendant shall pay restitution in monthly payments of not less than \$100 or at least 10% of earnings, whichever is greater, to commence no later than 60 days from placement on supervised release.

Notwithstanding any payment schedule set by the court, the United States Attorney's Office may pursue collection through all available means in accordance with 18 U.S.C. §§ 3613 and 3664(m). The criminal monetary penalty payments shall be made to the Clerk of U.S. District Court, Attention: Finance Unit, 450 Golden Gate Ave., Box 36060, San Francisco, CA 94102.

The Probation Office shall prepare an amended judgment in accordance with this order. The restitution hearing set for May 30, 2024 is hereby vacated.

IT IS SO ORDERED.

DATE:

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HON. YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT JUDGE